

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2311 - SB 2349

February 29, 2012

**SUMMARY OF BILL:** Requires a person convicted of aggravated rape, on or after July 1, 2012, to serve 100 percent of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. Redefines “multiple rapist” to mean a person convicted two or more times of rape, or a person convicted of at least one time of aggravated rape and at least one time of rape.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$841,800/Incarceration\***

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 25 admissions for aggravated rape, and an average of 5 admissions for multiple rapists in each of the past 10 years. Twenty (25 – 5 for multiple rapists under current law) offenders will serve additional time on their sentence as a result of this bill.
- According to DOC, the average length of sentence for a person convicted of aggravated rape is 20.88 years, and the average time served based on FY2000 – FY2011 DOC stats is 18.36 years. Eighty-five percent of the average sentence is 17.75 years (20.88 years x 85%). Requiring offenders to serve 100 percent of the sentence imposed will result in these offenders serving an additional 3.13 years (20.88 years – 17.75 years).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in two additional offenders in the tenth year.
- According to the Department, 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (22 offenders x 46.4% recidivism discount = 10 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 12 offenders (22 – 10 to account for recidivism) serving an additional 3.13 years (1,143.23 days).

- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The additional cost of increasing the average sentence length by 3.13 years (1,143.23 days) is \$70,148.59 ( $\$61.36 \times 1,143.23$  days). The total additional operating cost for 12 offenders is \$841,783.08 ( $\$70,148.59 \times 12$  offenders).
- Any increase in caseloads for state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc